

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY WILLIAM REED,

Plaintiff,

vs.

STATE OF NEVADA, et al.

Defendant.

Case No. 2:07-cv-01422-RLH-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff Jeffrey William Reed's failure to comply with this court's Orders (Dkt. #3) entered on October 27, 2008 and January 9, 2009, requiring him to file an application to proceed *in forma pauperis* or pay the requisite filing fee. Having reviewed and considered the matter, the court makes the following findings:

1. Plaintiff filed a Complaint (Dkt. #1) pursuant to 42 U.S.C. § 1983 on October 24, 2007 and is proceeding in this action *pro se*.
2. Plaintiff did not pay the required filing fee of \$350.00 or file an application to proceed *in forma pauperis* in compliance with 28 U.S.C. § 1915(a)(1) and (2) and LSR 1-1 and 1-2.
3. The court entered an Order (Dkt. #3) on October 27, 2008: (a) directing the Clerk of Court to mail a blank application form for *pro se* litigants who are not incarcerated to Plaintiff; and (b) directing the Plaintiff to file an application to proceed *in forma pauperis* or submit a \$350.00 filing fee.
4. The Order warned Plaintiff that "[f]ailure to comply will result in a recommendation to the District Judge for dismissal of this action." *Id.*
5. On January 9, 2009, the court entered an Order (Dkt. #9): (a) directing the Clerk of Court to mail a blank application form for *pro se* litigants who are incarcerated to Plaintiff at the

Clark County Detention Center because Plaintiff stated that he was incarcerated there in the Complaint; and (b) directing the Plaintiff to file an application to proceed *in forma pauperis* or submit a \$350.00 filing fee.

6. The Order warned Plaintiff that “[f]ailure to comply will result in a recommendation to the District Judge for dismissal of this action.”

7. A review of the court’s docket reflects that Plaintiff has not complied with the court’s Order or requested an extension of time to do so.

8. Plaintiff’s willful failure to comply with the court’s Orders has interfered with the court’s ability to hear this case, delayed litigation, disrupted the court’s timely management of its docket, wasted judicial resources, and threatened the integrity of the court’s orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has wilfully refused to comply with multiple court Orders.

Based on the foregoing,

IT IS RECOMMENDED that this case be **DISMISSED**.

Dated this 20th day of February, 2009.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within ten (10) days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may

1 waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
2 The points and authorities filed in support of the specific written objections are subject to the page
3 limitations found in LR 7-4.
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